C.P.1007

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

W.P.NO. 882 /2002

PETITIONER

EMIL KUJUR, AGED ABOUT 50 YEARS, S/O. SHRI FRANSIS KUJUR, GENERAL MANAGER, DISTT. TRADE AND INDUSTRIES CENTRE, RAIGARH, CHHATTISGARH.

P.R. No. 869/02
Presented by Shri A.K. Sahu
dated 26/4/02

VERSUS

RESPONDENTS

1) STATE OF CHHATTISGARH, THROUGH : THE SECRETARY, COMMERCE AND RURAL INDUSTRIES AND PUBLIC UNDERTAKING DEPARTMENT, MANTRALAY, RAIPUR (CHHATTISGARH)

2) THE DIRECTOR, DIRECTORATE OF INDUSTRIES, KHANIJ BHAWAN, RAIPUR.

3) THE COLLECTOR, RAIGARH.

4) A.K. SINGH, S/O. K.P. SINGH, MANAGER, DISTT. TRADE AND INDUSTRIES CENTRE, RAIGARH (CHHATTISGARH)

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(24)

आदेश पत्रक

मामला क्रमांक W.P.No.882/ सन् 2002

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Division Bench:-

Hon'ble Shri K.H.N. Kuranga, C J. and

Hon'ble Shri L.C. Bhadoo, J.

19.06.2003

Shri P.P. Sahu, counsel for the petitioner.

Shri Ayaz Naved, Govt. Advocate for the State / respondent.

Heard both the counsel.

In this writ petition, the petitioner has sought for quashing of the order dated 07.03.2002 passed by the State Administrative Tribunal and also to quash the transfer order dated 06.12.2001 issued by respondent No.1.

The petitioner was working as General Manager, District Trade and Industries Centre, Raigarh. He was transferred to the Office of the Directorate of Trade and Industries, Raipur by the order Annexure P-3. The petitioner challenged the same before the State Administrative Tribunal, Raipur, in Original Application No.1349/2001. Two contentions were urged, before the Tribunal, on behalf of the petitioner. One was, during the period of ban the transfer order has been issued. The Tribunal has held that the transfer order can be issued by order of the Hon'ble Chief Minister and therefore, the impugned order of transfer issued by the State cannot be interfered with. So far as the second contention namely, if he is transferred,

(25)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 882/ सन् 2002

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the education of his children would be affected is concerned, the Tribunal after taking into consideration the facts and circumstances of the case has directed that the respondents should not relieve the petitioner in compliance of the transfer order till 30th April, 2002 and he may be relieved on 1st May, 2002.

Having regard to the order passed by the Tribunal, we are of the opinion that it is not a fit case to admit this petition.

The petition is therefore liable to be dismissed and it is dismissed.

Sd/-
Chief Justice

Sd/-
L.C.BHADOO
Judge

Soma